IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (LODG) NO.969 OF 2006

IN

NOTICE OF MOTION NO.2 OF 2006

IN

SUIT NO.3540 OF 2005

Lourdes Gabriel. ...Appellant.

vs.

1.Sheth Builders Pvt.Ltd. & ors. ...Respondents.

Mr.O.A.Das, for Appellant.

Mr.Vishal Kanade i/b. Mahimtura & Co., for Respondent no.1.

Mr.Jose George, for Respondent no.2.

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 30th July,2007.

P.C.:-

By consent of parties, the appeal is disposed of in the following terms:-

1. The order of temporary injunction passed by the learned Single Judge dated 4.10.2006 in Notice of Motion no.2 of 2006 shall operate only as against defendant no.1. The notice of motion seeking interim reliefs taken out by the plaintiff against the defendants other than defendant no.1 is permitted to be withdrawn with liberty to the plaintiff to take out a fresh notice of motion seeking appropriate interim relief against other defendants, if so advised.

2. Needless to say if such a notice of motion is taken out, it shall be decided on its own merit in accordance with law.

3. It may be pointed out here that so far as the interim order passed by the learned Single Judge operating against defendant no.1 is concerned, that order is already challenged by

him and that appeal being appeal no.827 of 2006 is pending in this Court.

(D.K.DESHMUKH, J.)

(J.H.BHATIA,J.)